IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

Crl.MC.No. 2140 of 2007()

CRIME NO. 43/07 OF CHEVAYOOR POLICE STATION, KOZHIKODE
AGAINST THE JUDGEMENT/ORDER IN BA.2367/2007 Dated 08/05/2007

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PETITIONER: ACCUSED:

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1. SHYAM KUMAR, S/O. SANKARA PANIKER,
KAILAS HOUSE, URANGATTIRI P.O., ARREKODE,
MALAPPURAM DISTRICT.

2. MUHAMMED SHAFEEL B., S/O. MUSTHAFA,
SAINABA MANZIL, EDATT P.O., PAYYANNUR,
KANNUR DISTRICT.

BY ADV. SRI.JOHN K.GEORGE
SRI.P.K.VARGHESE
SRI.K.S.ARUN KUMAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2140 of 2007

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Dated this the 4th day of July, 2007

O R D E R

The petitioners face allegations, inter alia, under Section 307 r/w. 149 I.P.C. They approached this court with a petition for anticipatory bail. Another Bench of this Court turned down the prayer for anticipatory bail, but indulgently directed that if the petitioners appear before the Investigating Officer between 15.5.07 and 18.5.07 they must be interrogated and produced before the Magistrate on the same day, whereupon the Magistrate must consider their applications for regular bail expeditiously, preferably on the date of surrender itself. The petitioners did not surrender before the Investigating Officer as directed between 15.5.07 and 18.5.07. They have come before this Court with this petition on 3.7.07. They pray that they may be granted extension of time. Why did they not appear before the Investigating Officer between 15.5.07 and 18.5.07? Why did they not choose extension of time before and after the said period and till 3.7.07? I find no satisfactory answers forthcoming. I am satisfied that the petitioners are not entitled to any further indulgence of this Court.

2. This Crl.M.C. is accordingly dismissed. Needless to say, if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously.

(R. BASANT)
Judge

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